Montana State Legislature

2013 Session

ADDITIONAL DOCUMENTS MAYINCLUDE THE FOLLWING:

- Business Report
- Roll Call Attendance
- Standing Committee
 Reports
- Tabled Bills
- Fiscal Reports etc.
- Roll Call Votes
- Informational Items
- Witness Statements
- Any Documents; such as;
 *Petitions if any.
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BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

HOUSE STATE ADMINISTRATION COMMITTEE

Date: Monday, April 15, 2013

Place: Capitol

Time: 8:00 AM

Room: 455

BILLS and RESOLUTIONS HEARD:

SB 405 - Referendum to revise close of late voter registration - Sen. Alan Olson SB 408 - Referendum to provide top two primary in certain elections - Sen. Alan Olson

EXECUTIVE ACTION TAKEN:

SB 405 - Be concurred in as amended SB 408 - Be concurred in as amended

Comments:

Sat Ingland REP. Pat Ingraham, Chair

DATE: 04/15/2013

NAME	PRESENT	ABSENT/ EXCUSED
Rep. WASHBURN, Vice Chair	/ .	
Rep. CONNELL		
Rep. BENNETT, Vice Chair	V	
Rep. KARY		
Rep. SCHREINER		
Rep. HARRIS		
Rep. HOWARD		V
Rep. SWANSON	V	
Rep. VANCE	/	,
Rep. WILMER	/	
Rep. SHAW	V	
Rep. HERTZ	/	
Rep. BOSS RIBS	/	
Rep. BROCKIE		
Rep. BLYTON	/	
Rep. PRICE	/	
Rep. BANGERTER		
Rep. O'HARA		
Rep. INGRAHAM, Chair	V	



HOUSE STANDING COMMITTEE REPORT

April 15, 2013 Page 1 of 2

Mr. Speaker:

We, your committee on State Administration recommend that Senate Bill 405 (second house second reading copy -- tan) be concurred in as amended.

Signed:

Representative Pat Ingraham, Chair

To be carried by Representative Ted Washburn

And, that such amendments read:

1. Title, page 1, line 5.

Strike: "REVISING"
Insert: "ENDING"

Following: "REGISTRATION"

Strike: "AND"

Insert: "ON THE FRIDAY BEFORE ELECTION DAY AND ELIMINATING

ELECTION DAY REGISTRATION;"

2. Title, page 1, line 7.

Following: "MONTANA"

Insert: "AT A SPECIAL ELECTION TO BE HELD CONCURRENTLY WITH THE
 2014 PRIMARY ELECTION"

3. Page 4, line 27.

Strike: "the general election" through "November"

Insert: "a special election to be held concurrently with the
 primary election held in the spring of"

4. Page 4, following line 30.

Insert: "COORDINATION SECTION. Section 7. Coordination
instruction. If House Bill No. 30 is passed and approved, then
[this act] is void."

Committee Vote:

Yes 12, No 7

Fiscal Note Required

DC 2:45 4-15



HOUSE STANDING COMMITTEE REPORT

April 15, 2013 Page 1 of 9

Mr. Speaker:

We, your committee on **State Administration** recommend that **Senate Bill 408** (second house second reading copy -- tan) be concurred in as amended.

Signed:

Representative Pat/Ingraham, Chair

To be carried by Representative Duane Ankney

And, that such amendments read:

1. Title, page 1, line 6. Following: "AFFILIATION;"

Insert: "ELIMINATING SEPARATE PARTY BALLOTS AND PROVIDING FOR ONE

PRIMARY BALLOT CONTAINING ALL PRIMARY RACES;"

2. Title, page 1, line 10.

Strike: "13-10-311,"

3. Title, page 1, line 13.

Following: "13-14-118,"

Insert: "13-15-201,"

4. Title, page 1, line 14.

Following: "13-16-211,"

Insert: "13-16-412,"

Following: "13-17-103,"

Insert: "13-19-205,"

5. Title, page 1, line 19.

Following: "13-10-305,"

Insert: "13-10-311,"

6. Page 21, line 14 through line 17.

Strike: "ballots," on line 14 through "name" on line 17

Committee Vote:

Yes 12, No 7

Fiscal Note Required ___

JC 12:45 4-15 Following: line 17

Insert: "(b) (i) In a top two primary election, the political party preference declared by the candidate on the declaration of candidacy under 13-10-201 must appear with the candidate's name on the ballot. The word "preference" must follow the candidate's preferred party, if any. If a candidate has not declared a preference for a political party, the words "no party preference" must appear on the ballot with the candidate's name. Nothing in a top two primary election portion of the ballot may indicate whether a candidate has been endorsed or nominated by a political party. The top two primary portion or portions of the ballot must clearly and conspicuously state that candidates in that section are not nominees or members of or endorsed by or otherwise associated with the candidate's political party preference.

(ii) Information must be printed on the ballot and in the voter information pamphlet provided for in 13-27-401 to inform voters that in the top two primary the two candidates who receive the most votes for the office will advance to a general election regardless of either candidate's political party preference."

7. Page 21, line 18 through line 19.

Strike: "(b)" on line 18 through "if:" on line 19

Insert: "(2)(a) All offices and ballot issues must appear on one

ballot. The ballot must be arranged to eliminate the

possibility of widespread voter confusion."

Renumber: subsequent subsections

8. Page 21, line 20.

Strike: "(i) each"

Insert: "Each"
Strike: "is"

Insert: "must be"

Strike: ";"
Insert: "."

9. Page 21, line 21 through line 22.

Strike: "(ii)" on line 21 through "with" on line 22

Insert: "(b) With"

10. Page 21, line 23 through page 22, line 3.

Strike: subsection (c) in its entirety

11. Page 22, line 4.

Strike: "(2)"
Insert: "(3)"
Strike: "does"
Insert: "is"
Strike: "need"

Insert: "required"

12. Page 22, line 4 through line 6.

Strike: "for a political party" on line 4 through "(b)" on line 6

Insert: "if"

13. Page 22, line 6.

Strike: "one candidate files for nomination by that party"

Insert: "two candidates file"

14. Page 22, line 8.

Strike: "(3)"

Insert: "(4)"

Strike: "(2)"

Insert: "(3)"

15. Page 22, line 8 through line 9.

Strike: "for a" on line 8 through "party" on line 9

16. Page 22, line 9 through line 10.

Strike: "for that" on line 9 through the first "party" on line 10

Strike: "for that party" on line 10

17. Page 22, line 12 through line 17.

Strike: subsection (4) through subsection (5) in their entirety

Renumber: subsequent subsections

Insert: "(5)(a) If a partisan primary is held, the ballot must contain the following:

- (i) a clear and conspicuous, segregated area for the elector to mark the political party the elector wishes to affiliate with for the purposes of voting in the primary election;
- (ii) an option for the elector to mark "none of the above"
 with respect to political party affiliation; and
- (iii) a clear and conspicuous statement that only electors who mark a political party affiliation may vote on the partisan primary portion of the ballot.
- (b) A vote cast in a partisan primary may be counted only if the elector has marked an affiliation with one political party, a vote cast in a partisan primary corresponds only to the marked party's primary, and the elector has voted only once for each office."

Renumber: subsequent subsections

18. Page 22, line 20.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

19. Page 24, line 15 through line 18. **Strike**: subsection (2) in its entirety

Renumber: subsequent subsections

20. Page 27, line 14. Strike: "partisan"

21. Page 34, line 5 through line 7.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

22. Page 34, line 8 through line 9.

Strike: "Instructions" on line 8 through "ballots." on line 9

23. Page 35, line 16 through line 18. **Strike:** subsection (3) in its entirety

Renumber: subsequent subsections

24. Page 38, line 7.

Insert: "Section 54. Section 13-15-201, MCA, is amended to read:

"13-15-201. Preparation for count -- absentee ballot count procedures. (1) Subject to 13-10-311, to To prepare for a count of ballots, the counting board or, if appointed, the absentee counting board shall take ballots out of the box to determine whether each ballot is single.

- (2) The board shall count all ballots to ensure that the total number of ballots corresponds with the total number of names in the pollbook.
- (3) If the board cannot reconcile the total number of ballots with the pollbook, the board shall submit to the election administrator a written report stating how many ballots were missing or in excess and any reason of which they are aware for the discrepancy. Each judge on the board shall sign the report.
- (4) A ballot that is not marked as official is void and may not be counted unless all judges on the board agree that the marking is missing because of an error by election officials, in which case the ballot must be marked "unmarked by error" on the back and must be initialed by all judges.
- (5) If two or more ballots are folded or stuck together to look like a single ballot, they must be laid aside until the count is complete. The counting board shall compare the count with the pollbooks, and if a majority believes that the ballots folded together were voted by one elector, the ballots must be rejected and handled as provided in 13-15-108, otherwise they must be counted.
- (6) Only valid absentee ballots may be counted in an election conducted under this chapter.
- (7) For the purpose of this chapter, a voted absentee ballot is valid only if:
- (a) the elector's signature on the affirmation on the return envelope is verified pursuant to 13-13-241; and
 - (b) it is received before 8 p.m. on election day, except as

provided in 13-21-206 and 13-21-207.

- (8) (a) A ballot is invalid if:
- (i) problems with the ballot have not been resolved pursuant to 13-13-245;
- (ii) any identifying marks are placed on the ballot by the elector; or
- (iii) except as provided in subsection (8)(b), more than one ballot is enclosed in a single return or secrecy envelope.
- (b) The provisions of subsection (8)(a)(iii) do not apply if:
- (i) there are multiple elections being held at the same time and the envelope contains only one ballot for each election;
- (ii) the return envelope contains ballots from the same household, each ballot is in its own secrecy envelope, and the return envelope contains a valid signature for each elector who has returned a ballot.""

Renumber: subsequent sections

25. Page 39, line 5 through line 6.

Strike: "At" on line 5 through "ballots"." on line 6

26. Page 44, following line 17.

Insert: "Section 65. Section 13-16-412, MCA, is amended to read:
 "13-16-412. Procedure for recounting paper ballots. To
conduct a recount of paper ballots:

- (1) the election administrator shall provide to the recount board, unopened, each sealed package or envelope received from the election judges of the precinct or precincts in which a recount is ordered, containing all the paper ballots voted in the precinct or precincts;
- (2) a member of the recount board shall open each sealed package or envelope and remove the ballots, and the board shall count the votes on each ballot manually in the manner provided in 13-15-206(2), except that if the office to be recounted is on a partisan primary election ballot, votes are recounted only on the party ballots that are subject to the recount; and
- (3) the recount must be tallied on previously prepared tally sheets. The tally sheets must show the names of the respective candidates, the office or offices for which a recount is made, and the number of each election precinct.""

 Renumber: subsequent sections

27. Page 46, line 27.

Insert: "Section 70. Section 13-19-205, MCA, is amended to read:
 "13-19-205. Written plan for conduct of election -amendments -- approval procedures. (1) The election administrator
shall prepare a written plan for the conduct of the election and
shall submit it to the secretary of state in a manner that
ensures that it is received at least 60 days prior to the date

set for the election.

- (2) The written plan must include:
- (a) a timetable for the election; and
- (b) sample written instructions that will be sent to the electors. The instructions must include but are not limited to:
- (i) information on the estimated amount of postage required to return the ballot;
- (ii) (A) the location of the places of deposit and the days and times when ballots may be returned to the places of deposit, if the information is available; or
- (B) if the information on location and hours of places of deposit is not available, a section that will allow the information to be added before the instructions are mailed to electors; and
- (iii) any applicable instructions specified under $13-13-214\frac{(5)}{(4)}$.
- (3) The plan may be amended by the election administrator any time prior to the 35th day before election day by notifying the secretary of state in writing of any changes.
- (4) Within 5 days of receiving the plan and as soon as possible after receiving any amendments, the secretary of state shall approve, disapprove, or recommend changes to the plan or amendments.
- (5) When the written plan has been approved, the election administrator shall proceed to conduct the election according to the approved plan unless the election is canceled for any reason provided by law.""

Renumber: subsequent sections

28. Page 63, following line 30.

Insert: "13-10-311. Election judges' duties when preparing for
 count."

29. Page 64, following line 14.

Insert: "COORDINATION SECTION. Section 106. Coordination instruction. If House Bill No. 120 is passed and approved and if [this act] is passed by the legislature and approved by the electorate and both contain a section amending 5-2-402, then section 5-2-402 must be amended as follows:

- "5-2-402. Appointment by board of county commissioners -county central committee role -- timeframes. (1) Except as
 provided in subsection (5) or as otherwise provided by law,
 whenever a vacancy occurs in the legislature, the vacancy must be
 filled by appointment by the board of county commissioners or, in
 the event of a multicounty district, the boards of county
 commissioners of the counties comprising the district sitting as
 one appointing board.
- (2) (a) Whenever a vacancy is within a single county, the board of county commissioners shall make the appointment as described in 5-2-403, 5-2-404, or 5-2-406.

- (b) Whenever a vacancy is within a multicounty district, the boards of county commissioners shall sit as one appointing board. The selection of an individual to fill the vacancy must be as follows:
- (i) The presiding officer of the board of county commissioners of the county in which the person resided whose vacancy is to be filled shall call a meeting for the purpose of appointing the member of the legislature and shall preside at the meeting.
- (ii) Each commissioner's vote is determined by the following formula: 100 multiplied by (A divided by B) multiplied by (1 divided by C), where:
- (A) A is the total votes cast in the respective county for the person vacating the legislative seat or, if the vacating person was not elected, the votes cast for the last person to be elected for the current term;
- $\mbox{(B)}$ $\mbox{\sc B}$ is the total votes cast for that person in the legislative district; and
- (C) C is the number of authorized commissioners on the board of the commissioner whose vote is being determined.
- (iii) The person selected to fill the vacancy is the one who receives the highest number above 50 that results from the calculation in subsection (2) (b) (ii). If none of the candidates receives a number higher than 50 from that calculation, the selection board shall cast its votes again in the same manner for the persons receiving the two highest numbers. If neither vote results in a candidate receiving a number higher than 50 from the calculation provided in subsection (2) (b) (ii), then 5-2-404 applies.
- (c) If a vacancy occurs in a holdover senate seat after holdover senators have been assigned to new districts under each reapportionment, the formula in subsection (2)(b)(ii) must be applied using the votes cast for the senatorial candidates at the last election in which votes were cast for a senate candidate. Only the number of votes cast by electors residing in the new senate district for senate candidates of the party to which the person vacating the seat belonged may be counted. The secretary of state shall provide an estimate of the number of votes cast for each party by county or portion of a county. The selection process is the same as provided in subsection (2)(b)(iii).
- (3) The appointment process to fill a vacant legislative seat under this section is as follows:
- (a) Within 7 days of being notified of a vacancy as described in 2-16-501, the secretary of state shall notify the board of county commissioners. and If the vacating legislator marked a party preference on the legislator's most recent declaration of candidacy filed with the secretary of state or election administrator, the secretary of state shall notify the relevant state party that is responsible for notifying the county central committee of the county where the vacating legislator is a resident, if the legislative seat is within one county, or the

boards of county commissioners and the corresponding county central committees if the legislative seat is in a multicounty district. If the legislator is an did not mark a party preference, marked "independent", or marked a party preference for a party that does not have a county central committee as the party preference on the legislator's most recent declaration of candidacy filed with the secretary of state or election administrator, independent or belongs to a party for which there is no county central committee, the notification of county commissioners suffices.

- (b) The county central committee or committees, upon receipt of notification of a vacancy, have 45 days to propose a list of prospective appointees, pursuant to 5-2-403(1). The county central committee or the county central committees, acting together, shall forward the list of names to the appointing board within the 45-day period.
- (c) The appointing board shall make and confirm an appointment and notify the secretary of state within 15 days:
- (i) after receiving the list of prospective appointees from the county central committee or committees;
- (ii) after 45 days have expired after the notification of vacancy if the county central committee or committees have not provided a list of prospective appointees; or
- (iii) after notification of a vacancy if the legislator vacating the seat is an independent.
- (4) If the legislature is in session, the notification process in subsection (3)(a) must be followed within 5 days. The process described in subsection (3)(b) must take place in 5 days. The process described in subsection (3)(c) must take place in 5 days.
- (5) Notwithstanding subsection (6), if a vacancy occurs prior to a primary election, 13-10-326 applies. If a vacancy occurs after a primary and prior to a general election, 13-10-327 applies.
- (6) If the legislature is called into special session within 85 days of a general election, a person must be appointed to fill a legislative vacancy pursuant to subsections (1) through (4).""

Insert: "COORDINATION SECTION. Section 107. Coordination instruction. If [this act] is passed by the legislature and approved by the electorate and if House Bill No. 120 is passed and approved:

- (1) the reference to "declaration for nomination" in 13-10-201 must be changed to "declaration of candidacy"; and
- (2) the reference to "declaration for nomination" in 13-14-113 must be changed to "declaration of candidacy"."

Insert: "COORDINATION SECTION. Section 108. Coordination instruction. If [this act] is passed by the legislature and approved by the electorate and if Senate Bill No. 375 is passed and approved, then the section that amends 13-37-216 in [this act] is void and the reference to "gubernatorial" in the

definition of "political party organization" in section 13-1-101 in Senate Bill No. 375 must be changed to "presidential"."

Renumber: subsequent sections

- END -

DATE: 04/15/2013 BILL NO 5B MOTION:		TION NO	
Be Sea	regated		
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. T WASHBURN, VICE CHAIR			
REP. P CONNELL		V	
REP. B BENNETT, VICE CHAIR	V		
REP. D KARY		/	
REP. C SCHREINER		`	
REP. B HARRIS		/	
REP. D HOWARD		/	V
REP. K SWANSON	V		
REP. G VANCE			-
REP. F WILMER	/		
REP. R SHAW			
REP. G HERTZ		V	
REP. F BOSS RIBS			
REP. C BROCKIE	/		100 100
REP. J BLYTON		/	
REP. J PRICE			
REP. L BANGERTER		/	
REP. J O'HARA		✓	
REP. P INGRAHAM CHAIR		1/	

DATE: 04/15/2013 BILL NO 5B 405 MOTION NO	
Be amended SB040502.arw	

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. T WASHBURN, VICE CHAIR			
REP. P CONNELL			
REP. B BENNETT, VICE CHAIR		V	
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REP. B HARRIS			
REP. D HOWARD			
REP. K SWANSON			
REP. G VANCE			
REP. F WILMER			
REP. R SHAW			
REP. G HERTZ			
REP. F BOSS RIBS		/	
REP. C BROCKIE		V	
REP. J BLYTON	V		
REP. J PRICE		V	****
REP. L BANGERTER	/		100 mm 10
REP. J O'HARA			
REP. P INGRAHAM, CHAIR			

DATE: 04/15/2013	BILL NO <u>5B 405</u>	MOTION NO		
MOTION:		4 1	,	
Be	concurred in as	amended		

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. T WASHBURN, VICE CHAIR	/		
REP. P CONNELL	✓		
REP. B BENNETT, VICE CHAIR		/	
REP. D KARY	V		
REP. C SCHREINER			
REP. B HARRIS			
REP. D HOWARD	1		/
REP. K SWANSON		/	
REP. G VANCE	/		
REP. F WILMER		/	
REP. R SHAW	/		100
REP. G HERTZ	/		
REP. F BOSS RIBS			
REP. C BROCKIE		V	
REP. J BLYTON	V		
REP. J PRICE			
REP. L BANGERTER			
REP. J O'HARA			
REP. P INGRAHAM, CHAIR	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		

DATE: 04/15/2013	BILL NO SB	408 MOTION NO.	
MOTION: / /	1 1		
B_{α}	mended	SB 040801.	arw

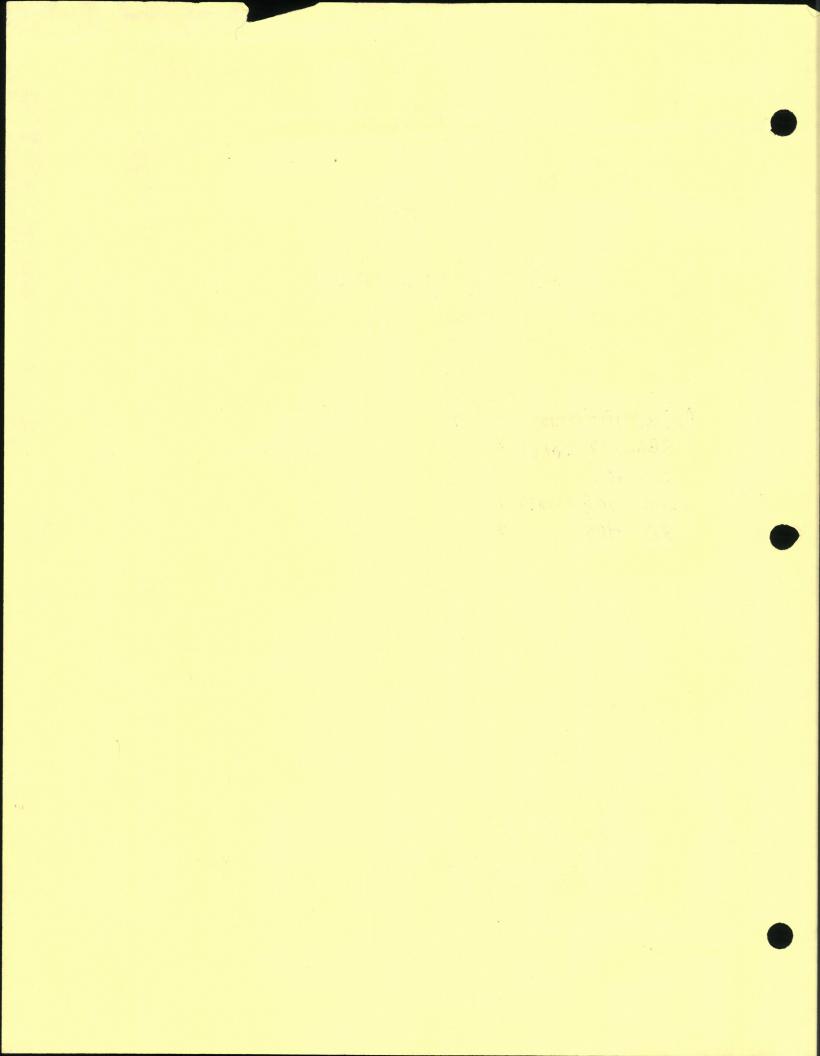
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. T WASHBURN, VICE CHAIR	V		
REP. P CONNELL	/		
REP. B BENNETT, VICE CHAIR			
REP. D KARY			
REP. C SCHREINER			
REP. B HARRIS	/		
REP. D HOWARD			
REP. K SWANSON		/	
REP. G VANCE		· · · · · · · · · · · · · · · · · · ·	
REP. F WILMER			
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REP. C BROCKIE		V	
REP. J BLYTON			
REP. J PRICE	/	·	
REP. L BANGERTER			
REP. J O'HARA	V		
REP. P INGRAHAM, CHAIR			

STATE ADMINIS				
DATE: 04/15/2013 BILL NO <u>SB 408</u> MOTION NO MOTION:Be concreatin as amended				
NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes	
REP. T WASHBURN, VICE CHAIR				
REP. P CONNELL	/			
REP. B BENNETT, VICE CHAIR		V		
REP. D KARY		_		
REP. C SCHREINER				
REP. B HARRIS	1			
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REP. B BENNETT, VICE CHAIR		V	
REP. D KARY			
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REP. C BROCKIE		V	
REP. J BLYTON			
REP. J PRICE		/	
REP. L BANGERTER			
REP. J O'HARA			
REP. P INGRAHAM, CHAIR			
	1.0	7	***************************************

AUTHORIZED COMMITTEE PROXY

I request to be excused from the SAUA							
Committee because of other commitments. I desire to leave my proxy vote with:							
UC Ted WASHBURN							
indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.							
BILL/AMENDMENT AYE NO BILL/AMENDMENT Segregate amendment SB 040502.000	AYE	NO					
3601001.061							
5B60502.2 ABW X							
SB 405 7							
SB 40801. ARM Y							
SB 408 1							
Rep. Date 4/13	5/13						
(Signature)							



MONTANA House of Representatives Visitors Register HOUSE STATE ADMINISTRATION COMMITTEE

Monday, April 15, 2013

SB 405 - Referendum to revise close of late voter registration

Sponsor: Sen. Alan Olson

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Jeanno-Marie Sowigne	y MOU		X	
Toy BRUGE	AARP MONTANA		X	
Deith Mora	WW		7	
Terry Minow	MEA- MA		X	
Clayton Elliott	Norther Phine		K	
tantealzer	Self		X	
Sarah Howell	Montana Women Vote			
MANY BOULAND	MaTang Wang Jore	<i>-</i>	7	
Choques	AFL-COP		X	
Rebecca Barger	Teamstra		X	
Jeff laszloffy	SelF	X		
Bridger Bulkantis	Self		×	
Curfis Almy	5817	X		
Sean Madullan	Montreina		X	
Sheene Rru	MT O genting Project		X	
,	<u> </u>			

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives Visitors Register HOUSE STATE ADMINISTRATION COMMITTEE

Monday, April 15, 2013

SB 408 - Referendum to provide top two primary in certain elections

Sponsor: Sen. Alan Olson

PLEASE PRINT

PLEASE PRINT				I
Name	Representing	Support	Oppose	Info
Jeanne Marie Souvigue	y Mev		4	
Will Deschorts	1 Self.	X		
BRAD JOHNSON	ч	X		
Ducha Menn	WW	×	X	
Terry Mina	MXA- WT			
Mila Fellows	MTLP		X	
Pam Walzer	Self		X	
Savah Hovel	Montann Women Vote Montanh Women Vote Selt	-	/>	
MANY Bouchand	Martana Warrellate	,	X	
Jeff Lasz loffy	Se/F	×		
Steve Dogia Kos	Self	X		
Sean Melillen	50/4	X		
	Month Self		α	
Sheenc Rive	Mr Organizing Project		X	
			/	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.